

**Introduced by Senator Mitchell**

February 27, 2015

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An act to amend Sections 17920 and 17920.3 of the Health and Safety Code, relating to housing standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 655, as amended, Mitchell. Housing standards: mold.

(1) The State Housing Law, which is administered by the Department of Housing and Community Development, prescribes standards for buildings used for human habitation and establishes definitions for this purpose. The law provides that a building, or a portion of it, in which certain conditions are found to exist, such as a lack of sanitation, as specified, is substandard. The law provides that a violation of these provisions is a misdemeanor.

This bill would specify that visible or otherwise demonstrable mold growth, excepting mold caused by ~~inappropriate~~ *inadequate* housekeeping practices or ~~improper failure to use of~~ ventilation, is a type of inadequate sanitation and therefore a substandard condition. The bill would define mold as ~~living or dead fungi or its related products or parts, including spores and hyphae~~ *microscopic organisms or fungi that can grow in damp conditions in the interior of a building*. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17920 of the Health and Safety Code is  
2 amended to read:  
3 17920. As used in this part:  
4 (a) “Approved” means acceptable to the department.  
5 (b) “Building” means a structure subject to this part.  
6 (c) “Building standard” means building standard as defined in  
7 Section 18909.  
8 (d) “Department” means the Department of Housing and  
9 Community Development.  
10 (e) “Enforcement” means diligent effort to secure compliance,  
11 including review of plans and permit applications, response to  
12 complaints, citation of violations, and other legal process. Except  
13 as otherwise provided in this part, “enforcement” may, but need  
14 not, include inspections of existing buildings on which no  
15 complaint or permit application has been filed, and effort to secure  
16 compliance as to these existing buildings.  
17 (f) “Fire protection district” means any special district, or any  
18 other municipal or public corporation or district, which is  
19 authorized by law to provide fire protection and prevention  
20 services.  
21 (g) “Labeled” means equipment or materials to which has been  
22 attached a label, symbol, or other identifying mark of an  
23 organization, approved by the department, that maintains a periodic  
24 inspection program of production of labeled products, installations,  
25 equipment, or materials and by whose labeling the manufacturer  
26 indicates compliance with appropriate standards or performance  
27 in a specified manner.  
28 (h) “Listed” means all products that appear in a list published  
29 by an approved testing or listing agency.  
30 (i) “Listing agency” means an agency approved by the  
31 department that is in the business of listing and labeling products,  
32 materials, equipment, and installations tested by an approved  
33 testing agency, and that maintains a periodic inspection program

1 on current production of listed products, equipment, and  
2 installations, and that, at least annually, makes available a published  
3 report of these listings.

4 (j) “Mold” means ~~living or dead fungi or its related products or~~  
5 ~~parts, including spores and hyphae.~~ *microscopic organisms or*  
6 *fungi that can grow in damp conditions in the interior of a*  
7 *building.*

8 (k) “Noise insulation” means the protection of persons within  
9 buildings from excessive noise, however generated, originating  
10 within or without such buildings.

11 (l) “Nuisance” means any nuisance defined pursuant to Part 3  
12 (commencing with Section 3479) of Division 4 of the Civil Code,  
13 or any other form of nuisance recognized at common law or in  
14 equity.

15 (m) “Public entity” has the same meaning as defined in Section  
16 811.2 of the Government Code.

17 (n) “Testing agency” means an agency approved by the  
18 department as qualified and equipped for testing of products,  
19 materials, equipment, and installations in accordance with  
20 nationally recognized standards.

21 SEC. 2. Section 17920.3 of the Health and Safety Code is  
22 amended to read:

23 17920.3. Any building or portion thereof including any  
24 dwelling unit, guestroom or suite of rooms, or the premises on  
25 which the same is located, in which there exists any of the  
26 following listed conditions to an extent that endangers the life,  
27 limb, health, property, safety, or welfare of the public or the  
28 occupants thereof shall be deemed and hereby is declared to be a  
29 substandard building:

30 (a) Inadequate sanitation shall include, but not be limited to,  
31 the following:

32 (1) Lack of, or improper water closet, lavatory, or bathtub or  
33 shower in a dwelling unit.

34 (2) Lack of, or improper water closets, lavatories, and bathtubs  
35 or showers per number of guests in a hotel.

36 (3) Lack of, or improper kitchen sink.

37 (4) Lack of hot and cold running water to plumbing fixtures in  
38 a hotel.

39 (5) Lack of hot and cold running water to plumbing fixtures in  
40 a dwelling unit.

- 1 (6) Lack of adequate heating.
- 2 (7) Lack of, or improper operation of required ventilating
- 3 equipment.
- 4 (8) Lack of minimum amounts of natural light and ventilation
- 5 required by this code.
- 6 (9) Room and space dimensions less than required by this code.
- 7 (10) Lack of required electrical lighting.
- 8 (11) Dampness of habitable rooms.
- 9 (12) Infestation of insects, vermin, or rodents as determined by
- 10 a health officer or, if an agreement does not exist with an agency
- 11 that has a health officer, the infestation can be determined by a
- 12 code enforcement officer, as defined in Section 829.5 of the Penal
- 13 Code, upon successful completion of a course of study in the
- 14 appropriate subject matter as determined by the local jurisdiction.
- 15 (13) ~~Any visible~~ *Visible* or otherwise demonstrable mold growth,
- 16 excluding the presence of mold that is caused by ~~inappropriate~~
- 17 *inadequate* housekeeping practices or ~~improper~~ *the failure to use*
- 18 ~~of~~ natural or mechanical ventilation.
- 19 (14) General dilapidation or improper maintenance.
- 20 (15) Lack of connection to required sewage disposal system.
- 21 (16) Lack of adequate garbage and rubbish storage and removal
- 22 facilities, as determined by a health officer or, if an agreement
- 23 does not exist with an agency that has a health officer, the lack of
- 24 adequate garbage and rubbish removal facilities can be determined
- 25 by a code enforcement officer as defined in Section 829.5 of the
- 26 Penal Code.
- 27 (b) Structural hazards shall include, but not be limited to, the
- 28 following:
  - 29 (1) Deteriorated or inadequate foundations.
  - 30 (2) Defective or deteriorated flooring or floor supports.
  - 31 (3) Flooring or floor supports of insufficient size to carry
  - 32 imposed loads with safety.
  - 33 (4) Members of walls, partitions, or other vertical supports that
  - 34 split, lean, list, or buckle due to defective material or deterioration.
  - 35 (5) Members of walls, partitions, or other vertical supports that
  - 36 are of insufficient size to carry imposed loads with safety.
  - 37 (6) Members of ceilings, roofs, ceiling and roof supports, or
  - 38 other horizontal members which sag, split, or buckle due to
  - 39 defective material or deterioration.

1 (7) Members of ceilings, roofs, ceiling and roof supports, or  
2 other horizontal members that are of insufficient size to carry  
3 imposed loads with safety.

4 (8) Fireplaces or chimneys which list, bulge, or settle due to  
5 defective material or deterioration.

6 (9) Fireplaces or chimneys which are of insufficient size or  
7 strength to carry imposed loads with safety.

8 (c) Any nuisance.

9 (d) All wiring, except that which conformed with all applicable  
10 laws in effect at the time of installation if it is currently in good  
11 and safe condition and working properly.

12 (e) All plumbing, except plumbing that conformed with all  
13 applicable laws in effect at the time of installation and has been  
14 maintained in good condition, or that may not have conformed  
15 with all applicable laws in effect at the time of installation but is  
16 currently in good and safe condition and working properly, and  
17 that is free of cross connections and siphonage between fixtures.

18 (f) All mechanical equipment, including vents, except equipment  
19 that conformed with all applicable laws in effect at the time of  
20 installation and that has been maintained in good and safe  
21 condition, or that may not have conformed with all applicable laws  
22 in effect at the time of installation but is currently in good and safe  
23 condition and working properly.

24 (g) Faulty weather protection, which shall include, but not be  
25 limited to, the following:

26 (1) Deteriorated, crumbling, or loose plaster.

27 (2) Deteriorated or ineffective waterproofing of exterior walls,  
28 roofs, foundations, or floors, including broken windows or doors.

29 (3) Defective or lack of weather protection for exterior wall  
30 coverings, including lack of paint, or weathering due to lack of  
31 paint or other approved protective covering.

32 (4) Broken, rotted, split, or buckled exterior wall coverings or  
33 roof coverings.

34 (h) Any building or portion thereof, device, apparatus,  
35 equipment, combustible waste, or vegetation that, in the opinion  
36 of the chief of the fire department or his deputy, is in such a  
37 condition as to cause a fire or explosion or provide a ready fuel to  
38 augment the spread and intensity of fire or explosion arising from  
39 any cause.

1 (i) All materials of construction, except those that are  
2 specifically allowed or approved by this code, and that have been  
3 adequately maintained in good and safe condition.

4 (j) Those premises on which an accumulation of weeds,  
5 vegetation, junk, dead organic matter, debris, garbage, offal, rodent  
6 harborages, stagnant water, combustible materials, and similar  
7 materials or conditions constitute fire, health, or safety hazards.

8 (k) Any building or portion thereof that is determined to be an  
9 unsafe building due to inadequate maintenance, in accordance with  
10 the latest edition of the Uniform Building Code.

11 (l) All buildings or portions thereof not provided with adequate  
12 exit facilities as required by this code, except those buildings or  
13 portions thereof whose exit facilities conformed with all applicable  
14 laws at the time of their construction and that have been adequately  
15 maintained and increased in relation to any increase in occupant  
16 load, alteration or addition, or any change in occupancy.

17 When an unsafe condition exists through lack of, or improper  
18 location of, exits, additional exits may be required to be installed.

19 (m) All buildings or portions thereof that are not provided with  
20 the fire-resistive construction or fire-extinguishing systems or  
21 equipment required by this code, except those buildings or portions  
22 thereof that conformed with all applicable laws at the time of their  
23 construction and whose fire-resistive integrity and  
24 fire-extinguishing systems or equipment have been adequately  
25 maintained and improved in relation to any increase in occupant  
26 load, alteration or addition, or any change in occupancy.

27 (n) All buildings or portions thereof occupied for living,  
28 sleeping, cooking, or dining purposes that were not designed or  
29 intended to be used for those occupancies.

30 (o) Inadequate structural resistance to horizontal forces.

31 “Substandard building” includes a building not in compliance  
32 with Section 13143.2.

33 However, a condition that would require displacement of sound  
34 walls or ceilings to meet height, length, or width requirements for  
35 ceilings, rooms, and dwelling units shall not by itself be considered  
36 sufficient existence of dangerous conditions making a building a  
37 substandard building, unless the building was constructed, altered,  
38 or converted in violation of those requirements in effect at the time  
39 of construction, alteration, or conversion.

1     SEC. 3. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the penalty  
6     for a crime or infraction, within the meaning of Section 17556 of  
7     the Government Code, or changes the definition of a crime within  
8     the meaning of Section 6 of Article XIII B of the California  
9     Constitution.

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